

DOCKET FILE COPY ORIGINAL

SUNSHINE PERIOD

96-98

From: Chuck Gengler
To: Mike Powell, Kathleen Abernathy, Michael Copps, KM KJMWEB, Commissioner Adelstein
Date: Thu, Mar 20, 2003 4:10 AM
Subject: Illegal activities in broadband regulation

RECEIVED

2 5 2003

Commission
Office of the Secretary

A recent article paraphrases the 1996 Act. (see below).

"The 1996 Telecommunications Act allowed the **Bells**, created from the 1984^{Fed} breakup of AT&T Corp. (NYSE:T " News), to offer the lucrative long-distance services in their home territories after they opened their local telephone networks to rivals."

Will you be retracting Long Distance access for "**Bells**" now, since with your new broadband rules you are cutting off telephone networks for rivals?

Any novice in studying telecommunications knows that analog traditional telephones are obsolete technology, and voice communications can be performed much more efficiently digitally. Removal of linesharing, and the additional broadband gifts to the Bells will guarantee they once again have a lock on all copper line voice communication in the future. They simply will make at least part of the loop digital, then refuse to allow competitors access.

Please rescind your linesharing and other illegal broadband rulings before the public has to go to court to get the laws enforced.

Sincerely,

Charles Gengler

DOCKET FILE COPY ORIGINAL

SUNSHINE PERIOD

RECEIVED

MAR 25 2003

Federal Communications
Office of the Secretary

From: Randy Denius
To: Mike Powell
Date: Wed, Mar 19.2003 5 03 PM
Subject: Telecom Infrastructure UNE

Dear Mr Powell

The most capital intensive part of the of the local telecom network is maintaining and upgrading is the physical outside cable plant. If one considers the fees cities, counties, and states charge for rights-of-way, coupled with regulatory restrictions they impose to install the outside plant, it becomes obvious it is cost prohibitive for competitive telephone service providers to install their own lines. There simply isn't enough "dirt" in many cities rights-of-ways to accommodate all the telecom companies who wish to provide service by installing their own physical plant.

I think the proposal the state of Michigan is contemplating is the very compelling. That is to require the local RBOC to divest its physical cable plant infrastructure to a neutral third party company whose **sole** business would be to operate and upgrade the outside plant. All companies would be given access to the plant without prejudice and pricing for access to the physical plant would be market driven and pricing based on actual costs. Switching platforms would remain with the RBOC and they would not be required to share or unbundled it for competitors. It seems to me, this would be the most equitable solution to phasing out UNE-L. and solving the UNE-P problem and the commission should consider it.

Sincerely,

Randy Denius

CC: Kathleen Abernathy, Michael Copps, KM KJMWEB, Commissioner Adelstein

FILE COPY ORIGINAL

96-08

From: Brian Williams
To: Mike Powell
Date: 3/7/03 8:39PM
Subject: Telecom Deregulation Idea

SUNSHINE PERIOD

RECEIVED

MAR 25 2003

Dear Chairman Powell,

Federal Communications Commission
Office of the Secretary

I am an employee of SBC Communications, but I'm not writing to lobby you on all the issues that are currently under debate. I'm sure that you get enough of that. For some time now, I have been thinking about a much better way to accomplish the goals of the FCC while at the same time providing an equitable means of getting there. As I understand it, the FCC would like to see full head-to-head competition in the telephone industry. When I was going to school, I was taught that companies like the phone company existed as regulated monopolies because the expense involved in building redundant networks was prohibitive. I'm sure that AT&T and WorldCom would agree. At the same time, requiring companies like SBC to wholesale service doesn't really do anything to encourage investment in the existing network.

It seems to me that the ideal solution would be one that distributes the cost of building the new competing networks equally among all competitors, even the existing monopoly. If the existing network has a competitive advantage over those trying to build the competing networks, why not divide up the existing network so that all parties have an equal share of the responsibility of building the competing networks? What I was thinking of might work something like this:

1. Each of the existing ILECs will split into three separate independently owned companies.
2. The customers of each ILEC will be distributed among each of the new companies at the switch level. The switches will be randomly assigned with only one stipulation, that no two switches can serve areas that border each other, unless no other switches are available.
3. Each of the new companies will be required to build new facilities and be able to provide service to all customers in the other switch areas within 10 years. The build out can proceed no slower than 10 percent of the areas per year. The important principle here is that the company must be prepared to offer service to any customer (business or residence) that may request it. Failure to build out within the required timeline would result in HUGE fines.
4. The new companies are free to merge with any other company, free from regulatory approval, with one exception: they may not combine with any other company that had been part of the original ILEC. Nor may they merge with more than one portion of any other former ILEC. They are also prohibited from merging with any other independent telecom provider if the result is that only one telecom provider will be providing service in that area.
5. As soon as any two of the new companies are able provide service in any one switch area, full competition will be considered in place for that switch area. The companies may then operate in that switch area completely free from any kind of regulation; federal or state. They may operate as if they were any other non-regulated business, within that switch area.
6. Any expansion into an area not previously served by the ILEC will be considered full competition and will not be subject to any kind of regulation. Likewise the company originally serving that area will be free from regulation.

Of course, that's the easy part of the idea. How to divide up the support systems is a lot more complicated and will require a lot of discussion. But I hope that you see the basic idea. No one company has a competitive advantage over the other. All are contributing equally to the build out. And the result is three full networks built with the latest technology. The new networks would be complete all the way down to the wire going into every house. All of the silliness that goes along with trying to "share" the last mile would be eliminated. There would be no problems with one company being accused on taking too long to "transfer" a competitor's customer. Each company would be responsible for the complete end-to-end

servicing of their customers.

I hope that you will find this idea worthy of consideration. I'm sure that the executives at my company and the other ILECs will hate the idea, so please don't tell anybody you got it from me. It will hurt a little in the near term, but in the long run I think both the companies and **the** consumers will benefit significantly. And if we can make things simpler, perhaps we can get rid of the horde of lawyers (yours and ours) that are becoming a real pain.

Sincerely,
Brian W Williams
828 Gardenway Drive
Ballwin, MO 63011-2816
(636)207-8083

DOCKET FILE COPY ORIGINAL

96-68

From: Mark Bryant
To: Mike Powell
Date: 3/7/03 5:06PM
Subject: Unavailability of DSL service

SUNSHINE PERIOD

RECEIVED

MAR 25 2003

Federal Communications Commission
Office of the Secretary

I'm an independent consultant, and work from my home. For the last few years, I've had DSL service provided by a local ISP that was perfect for my needs. T-1 downstream, 384K upstream, my own block of ip numbers, and domain name hosting. All this for a very reasonable monthly fee.

I've just been informed that, due to the FCC's decision to eliminate line-sharing for DSL services, my DSL provider is discontinuing service. I can find no other provider that is now willing to provide DSL service, and SBC-Texas (my local phone provider) will either **sell** me a consumer-oriented DSL service, with none of the extra features I require, or a full T-1 service, at a monthly rate that will be difficult to afford.

The **FCC's** decision has basically left me with no options.

Please reconsider the **FCC's** ill-advised decision.

SUNSHINE PERIOD

96-08

From: Robert Lee
To: senator@dorgan.senate.gov, Kathleen Abernathy, Michael Copps, KM KJMWEB, Mike Powell, Marc Spitzer, Paul Walker
Date: 3/6/03 12:38PM
Subject: Question for the FCC

RECEIVED

Dear FCC Commissioners:

MAR 25 2003

Federal Communications Commission
Office of the Secretary

How on earth do you create a law that induces people to invest billions and then stamp it out once it is about to become successful?

Do you have any idea how much pain you have caused? And don't the Bell balkings after a wildly positive decision give you any pause? Is there no one there old enough to remember that the Bells simply say they have no incentive, they never promise to do anything.

All your decision does is close up the future and offer foolhardy ATBT a year or two with UNE-P, which, after it is sunsetted, will leave ATBT with the same problem then and today. What they hell do they do with those UNE-P subscribers? Put them over on to UNE-L? You only requested that the Bells provision lines better and you took the regulatory price off the element.

All the Bells have to do is change their own billing to reflect that access is a higher charge than service and they get to price UNE-L competitors out of the market.

Further, the future value of the Bell network is only the last broadband mile. The switches are almost worthless in the future.

It is not the Bells that want to roll out Voice over DSL. Why would they? It takes away circuit revenue. It was Covad that was rolling it out.

Belcore invented DSL in 1988. The Bells did not roll it out. Why? No competition. naturally. What is the point of destabilizing a goldmine? Come 1996 and the next year Covad installs the first 35,000 DSL lines, starting the ball rolling, forcing the Bells to roll it out.

1. Each DSL price increase done by Bells.
2. Each DSL price increase results in cable price increase
3. Each decrease done by Covad

Here is a principled decision:

UNE-P is a necessary means for competition to build scale. No one who does it wants it beyond a certain scale because the margins are not as great as fixed cost margins once you have scale. This is how long distance was opened up. It should be sunsetted based on a reasonable set of metrics, including parameters like number of lines in an office, density of area, etc. Getting rid of it based on calendar time is hostile and anti-intellectual. Why Powell did that is beyond me. It is almost as if he was looking to antagonize sensibilities.

Line sharing. Of course there should be line sharing. The Bells line share, so should anyone else. Of course it impairs the competitor if he has to order and pay for a UNE-L esp when the Bells do it so badly and charge so much. And the answer to the DC Circuit Court is I considered cable and duopoly is not competitive.

Fiber. Of course there should be total access to hybrid lines. The Bells have been yakking about building out fiber end to end for a decade or more. Certain Bells have even gotten mergers passed based on those promises. They will NEVER do it because the speeds possible with hybrid loops are much faster than anyone needs or is willing to pay for. In addition fiber to a remote terminal is much cheaper to maintain.

What you folks did and how you behaved is an embarrassment

Other than your immaturity, the real problem facing you and the thing that bedevils everyone is that the 1996 Act is wrongheaded.

You cannot have the Bells as a provider of infrastructure and a service provider. Further the Bells desperately need help because their balance sheets are filled with assets that are grossly over valued. The only way to save them and competition, and provide a pricing pressure on the cable industry, by the way, is to break up the Bells into infrastructure and service units. The infrastructure units get the unions, the dividends, the whole expensive, unwieldy mess. But that is fine because then every service provider in the country is on a level playing field. The infrastructure units have one business, finding service providers to sell to.

It settles everything

It is what Judge Greene did with ATBT long distance

PS. I called Commissioner Abernathy's office and spoke to her legal aide. He told me line splitting was a UNE. I told him it did not matter what it was, the Bells don't do it. He said that was not right, they should. The FCC has to know something more than what lobbyists tell them. Pick up a phone for God's sake and get MCI Neighborhood and then call Covad or SBC Yahoo DSL and try to get Verizon to provision a DSL line for a second competitor. They don't do it. If you did things like that you would not have to rely on lobbyists so much.

You are like restaurant critics who never go to the restaurant.

Robert Lee

land 610-642-9705

cell 610-724-1288

fax 610-642-0675

DOCKET FILE COPY ORIGINAL

SUNSHINE PERIOD

RECEIVED

96-98

From: Randy Denius
To: Mike Powell
Date: Wed, Mar 19, 2003 5:03 PM
Subject: Telecom Infrastructure UNE

MAR 25 2003

Federal Communications Commission
Office of the Secretary

Dear Mr. Powell:

The most capital intensive part of the of the local telecom network is maintaining and upgrading is the physical outside cable plant. If one considers the fees cities, counties, and states charge for rights-of-way, coupled with regulatory restrictions they impose to install the outside plant, it becomes obvious it is cost prohibitive for competitive telephone service providers to install their own lines. There simply isn't enough "dirt" in many cities rights-of-way to accommodate all the telecom companies who wish to provide service by installing their own physical plant.

I think the proposal the state of Michigan is contemplating is the very compelling. That is to require the local RBOC to divest its physical cable plant infrastructure to a neutral third party company whose sole business would be to operate and upgrade the outside plant. All companies would be given access to the plant without prejudice and pricing for access to the physical plant would be market driven and pricing based on actual costs. Switching platforms would remain with the RBOC and they would not be required to share or unbundled it for competitors. It seems to me, this would be the most equitable solution to phasing out UNE-L. and solving the UNE-P problem and the commission should consider it.

Sincerely,

Randy Denius

CC: Kathleen Abernathy, Michael Copps, KM KJMWEB, Commissioner Adelstein

DOCKET FILE COPY ORIGINAL

96-08

From: STOCKZRUS@aol.com
To: Commissioner Adelstein
Date: Tue, Mar 18, 2003 4:15 PM
Subject: Re: The TReview debacle

SUNSHINE PERIOD

RECEIVED

MAR 25 2003

Federal Communications Commission
Office of the Secretary

Dear Commissioner

I ask that you please take a moment to read this article. Especially the line share paragraph.
I along with scores of Americans wonder what in world you folks were thinking?

<http://hnrwww.newnetworks.com/idiotsdelight.htm>

<http://www.teletruth.org/>

A very saddened and perplexed American Consumer/Voter